IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MFA.No. 543 of 2003()

OPMV.418/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM
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APPELLANT: APPLICANT:

ABDULMAJEED,S/O.MOHAMMED HAREFA,
NARIKKALLUVILA VEEDU, NEAR PACHALLOOR MOSQUE,
PACHALLOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.SAJU JOHN

RESPONDENTS: RESPONDENTS:
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1. GIREESH KURUP, S/O. KRISHNA KURUP,
T.C.37/194, THAKARAPARAMBU ROAD, FORT P.O.,
THIRUVANANTHAPURAM.

2. ANILKUMAR, S/O. SADASIVAN NAIR,
SANTHALAYAM, OPP: ANDHRA BANK, MUTTAKKADU,
VENJANOOR P.O., THIRUVANANTHAPURAM.

3. THE ORIENTAL INSURANCE COMPANY LTD.,
REPRESENTED BY THE DIVISIONAL MANAGER,
ORIENTAL INSURANCE COMPANY LTD.,DIVISIONAL OFFICER
THIRUVANANTHAPURAM.

BY ADV. SRI.S.RAJASEKHARAN NAIR
SRI.M.JACOB MURICKAN

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.F.A. No.543 OF 2003

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal Thiruvananthapuram in O.P.(MV) 418/1998. The appellant aged 36 years who was working as a coolie sustained injuries in a road accident . The Tribunal has awarded a total compensation of Rs. 1,31,068/- and directed the insurance company to pay the amount . It is against that decision the appeal is preferred. The learned counsel for the Insurance Company had also entered appearance. Heard both sides. A perusal of the award would show that the claimant had sustained fracture of both bones of both legs and fracture of ribs with pneumotherax left side. He was treated in the Medical College Hospital and was under the BK caliper for a considerable length of time. The doctor who treated him given the disability certificate at 17%. The tribunal only reduced it to 12% and calculated the compensation. Then the Tribunal has observed in the award that there is muscle loss on account of the injuries sustained besides fracture of both bones of both legs. Therefore we feel it just and proper to accept the disability certificate as such. If the disability is

fixed at 17% and the compensation is calculated for permanent disability the amount would come to Rs. 55,488/-. The Tribunal has awarded 39,168/- Therefore under other heads the claimant is entitled to additional compensation of Rs. 16,320/- We have taken note of the compensation awarded under the other heads. They are all just and reasonable and at the most the claimant can be awarded one or two months more for the actual loss of earning So taking into consideration that aspect also we are giving a total additional compensation of Rs. 20,000/- .

2. Therefore this M.F.A. is partly allowed and the claimant is awarded an additional compensation of Rs.20,000/- with 7% interest on the said sum from the date of petition till realisation. The insurance company is directed to deposit the said amount within a period of two months from the date of receipt of a copy of the judgment.

K.S.RADHAKRISHNAN,JUDGE

M.N.KRISHNAN ,JUDGE

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